

REMARKS/ARGUMENTS

The following species have been identified:

1) Species Group I:

- 1: Claim 6, drawn to an induction heating device.
- 2: Claim 7, drawn to a resistance heating device.

2) Species Group II:

- 1: Claim 14 is drawn to the spraying with acid pickling solution.
- 2: Claim 15 is drawn to the immersion in a pickling bath containing said acid pickling solution..

Applicants provisionally elect, for examination purposes only, the following species:

- 1) Species Group I: Claim 6, drawn to an induction heating devices
- 2) Species Group II: Claim 15, drawn to the immersion in a pickling bath containing said pickling solution.

Applicants traverse this requirement on the basis that the Office has not considered the guidelines under MPEP §'s 806.04(b) and 806.05(j) in making this requirement.

MPEP § 806.04(b) states:

“Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those in MPEP § 806.05 - § 806.05(j). If restriction is improper under either practice, it should not be required.”

MPEP §806.05(j) states that related product inventions are distinct if:

- “(A) the inventions *as claimed* do not overlap in scope, i.e., are mutually exclusive;
- (B) the inventions *as claimed* are not obvious variants; and
- (C) the inventions *as claimed* are either not capable of use together or can have a materially different design, mode of operation, function, or effect.”

Applicants respectfully submit that the Office has not demonstrated any of the indications of distinctness (A), (B) or (C) listed in MPEP §806.05(j).

Furthermore, Annex B of the Administrative Instructions under the PCT at (b) Technical Relationship states:

“The expression “special technical features” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).”

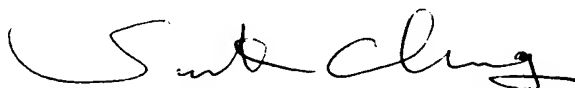
Applicants respectfully submit that the Examiner has not provided sufficient indication that the contents of the claims interpreted in light of the description was considered in making the assertion that the species do not relate to a single general inventive concept.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for election of species. Applicants therefore request that the requirement be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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